

Fiqh of Ramadan

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بسم الله الرحمن الرحيم

الحمد لله رب العالمين. والصلاة والسلام على رسول الله وعلى آله وصحبه أجمعين

Comprehensive Fiqh of Fasting Ramadan by Sheik Ahmed Musa Jibril

Zaad Al-Mustaqna is a summarized version covering the fiqh of Ramadan. Author is Sharaf al-din Musab ibn Musa al-hajjawi (D: 968 AH). The book is not the work of the author; he merely summarized another book titled al-Muqnii which was by Muafaq al-din ibn Qudama.

Disclaimer : All notes recorded were extracted exclusively from the lectures by Sheikh Ahmed Musa Jibril. No additional comments were added to the summaries, nor were the notes paraphrased. These notes are brief and focus purely on the fiqh of Fasting making them concise and straight to the point. It is recommended for those wanting to benefit most that they take their own notes while watching the videos.

Lesson 1

Introduction

2. Introduction

Definition of Fiqh (Shar'ii) : Deriving religious rulings that pertain to the actions of those assigned as it pertains to halal/haram (or permissible/disliked) from the sources. (The smaller Fiqh is to learn the rules and regulations of Islam).

Fiqh books usually go in the order of the Hadith of Jibril that is in Bukhari and also by the narrations of Hadith by Ibn Umar about the pillars of Islam. Starting with Salah, Zakat, Fasting, Hajj, etc.

Most Ulama start their fiqh books with the fiqh of worship, such as the pillars of Islam. Some worships are classified as physical worship like prayer and fasting. Other worships are financial such as Zakaat. It can also be a combination of financial and physical for example Hajj. Ulama then tend to proceed to fiqh of dealings. Some of it pertains to financial dealings with each other (gifts among one another, marriage, transgressions, judicial laws, personal matters, etc).

***Note:** Some of the wisdom behind the diversity of worship, is so the slave can excel in a worship he enjoys. People love different acts such as salah, zakat, and hajj. The variety in worships is out of the mercy of Allah.*

Lesson 2

Definition of Fasting:

1) Linguistically means to abstain.

2) Sharii definition for fasting is:

- To worship Allah by abstaining from eating, drinking, and other matters that void your fast from pre-dawn to sunset.

- To abstain with the intention from specified matters for specified times by a specified person.

Note: *Intention is necessary because you need to distinguish between worship and tradition. Also do distinguish between worships themselves. In the Quran “And they were not commanded except to worship Allah, being sincere to him in religion” {Surat 98:5} and in Hadith “Verily, action is by intention”*

Ruling on Fasting in Ramadan

Fasting on Ramadan is a wajib and a pillar of Islam. Allah said “O who you believe, Fasting has been prescribed upon you as it was prescribed on those before you so that you may attain Taqwa” & “ So whoever of you is present at his home, he must observe the fasting of that month”. [2:183], [2:185]

Proof from the Sunnah can be taken from the Hadith that talk about the pillars of Islam such as when the bedouin came to the Prophet Mohammed ﷺ and asked him about the obligations of Islam to which he ﷺ responded that fasting Ramadan is one of them.

Stages of Fasting (In Revelation)

1. Fasting Ashura (1 day a year)
2. It became obligatory by choice, either fast or feed a poor person.
3. Obligation on everyone with no choice except those exempted.

Note: *The fard of Fasting Ramadan abrogates Ashura. That type of abrogation in Usool of Fiqh is considered abrogation from something easy to something more difficult.*

Wajib in Fasting is in 3 categories:

- 1) Due to a specified time. Ex: Ramadan.
- 2) For a specific reason ex: Expiation (Kaffara)
- 3) One that you make obligatory upon yourself that the Sharia did not make obligatory on you.
Ex: A vow.

Lesson 3

The author says “*Ramadan becomes obligatory when its moon is witnessed*”.

Ramadan – Linguistically comes from the word ‘al ramad’ which translates into something very hot. Opinions range from why Ramadan is derived from that word:

- Ramadan goes through some very hot weather
- Ramadan burns your sins
- Arabs would heat and melt weapons during Ramadan

Note: Ramadan is a name of Allah hence why there is difference on whether it is permissible to say “Ramadan” alone without having to specify the “Month of Ramadan”. The correct opinion is that saying “Ramadan” or the “Month of Ramadan” is the same.

Allah says “Whoever of you sights the moon (on the first of the month) while present i.e. not traveling then he must fast it”. [2:185]

The Prophet Mohammed ﷺ said: “*If you see Ramadan then fast*”.

The moon can be described as two:

Hilal: The crescent. - Al Jawhari said Hilal refers to moon when it is 3 days old or less.

Qamar: The moon after 3 days.

The Shar’u is clear that you have to sight the moon. Calculation is not allowed and we go by sighting even if it goes against calculation. Even though the calculation can be sometimes accurate, sighting the moon is a worship. Ibn Taymiyyah, Ibn Abbas, Ibn Hajar, and Al-Baji stated that there is a consensus that it is not permissible to declare Ramadan based on calculations. This does not mean you cannot use equipment that makes the sighting easier; some scholars say that is permissible and some say it is disliked. However that is not the same as calculation.

Ramadan starts by:

1. Sighting the moon on the 29th day of Shaban. The following day would then be Ramadan.
2. If the moon is not sighted on the above day then Shaban is completed 30 days and the following day is Ramadan.

The author says if you don't see the moon on a clear night, then you do not fast the following day. By this statement the author was trying to deter people away from fasting the day before

Ramadan because it is the day of doubt. The Messenger ﷺ deterred from fasting the day of doubt which can be the day before Ramadan or 2 days before Ramadan.

Opinions on the permissibility of Fasting the day of doubt:

1. The Madhab of the Hanabila say it is disliked (Makrooh).
2. Asmaa bint Abu bakr and Ayesha say that you can fast the day of doubt. Scholars say that they may have not known about the hadith deterring it.
3. It is haram to fast it. The Messenger ﷺ said “None of you should fast a day or two before Ramadan.

Note: *Some of the scholars say the wisdom behind such a rule is to avoid extremism, differ from the people of the book, and avoid whispers from the Shaytan. There are however exceptions mentioned in Bukhari and Muslim “None of you should fast a day or two before Ramadan unless it is in the habit of voluntary fasting”. For example someone fasts every Monday or Thursday and a day or two before Ramadan is either of those days then it is fine.*

Lesson 4

The author says “if you don't see the moon on a clear night, then you don't fast the following day nor is the following day Ramadan”. It is followed by “If you can not see the moon on a cloudy night (or any other natural reason) then the next day you must fast”. ***This however is not an accurate or correct statement.***

There are opinions regarding it:

1. If we do not see the moon on the 29th day which is the 30th night of Shaaban, we do not fast the following day. This is the majority opinion, adopted by more than the four Madhahib. Proof for this statement is that if the moon is not seen then it becomes the “day of doubt” and the Messenger ﷺ deterred us away from fasting that day. A hadith in Bukhari says “If it is cloudy and you can not see the moon then complete the month 30 days”. As a proof they use the Hadith “Let the extremists perish”; ordering people to fast without clear proof is considered extreme.

Note: The rule in Usool is you do not go from what you are sure about to what you are in doubt about. In this case, it is sure that the month is still Shaaban and after the 30th day it will be surely the month of Ramadan.

2. You fast the 30th day of Shaaban. Among their proof is the Hadith “*If you can not see the moon, work it out*”. The main difference here is the definition they used for the words in the hadith. The second proof is in Musnad Ahmed is that Ibn Umar would fast the following day if the night before was cloudy.
3. It is permissible to fast but not fard.
4. It is disliked to fast but not Haram.
5. It depends on what the Imam or Khalifah at the time decides.

He goes on to say “If you see the moon during the day, then it declares the following day is Ramadan”. The overwhelming majority of scholars adopt this opinion as well. Sighting the moon during the daylight hours on the 29th day of Shaban means the following day is the first day of Ramadan. If it is seen during the day and at night it is no longer visible then the rule is that the sighting during the day becomes invalid. This is because the considered sighting is the sighting after Maghrib.

Lesson 5

The author says “*If the people of a town see the moon, everyone is obligated to fast*”.

If a country officially declares Ramadan by sighting the moon then the entire globe must follow along. If a country sights the moon and it is confirmed then the entire country and vicinity around it must fast, and this is by consensus without dispute.

Allah said “Whoever of you is present at his home and witnessed the month, he must fast”.
[2:185]

In the event one country sights it and other countries have not confirmed it there are four opinions:

1. If one country confirms it then all countries must follow along with no exception. His proof is in Muslim “*Observe fast on sighting of the new moon and break fast on the sighting of the new moon*”. This is a general order from the Messenger ﷺ that is directed to the entire Ummah. Another proof is that this method preserves unity among the Ummah.

2. When a country sights the moon, it is sufficient for that country. The countries do not need to follow each other; every country has its own sighting. They use the verse in the Quran “you must fast if you witness the month” as proof. Secondly, the hadith “*Observe fast for the sighting of the new moon, and break your fast for the sighting of the moon*”. Their strongest proof is a hadith in which Ibn Abbas did not go by the moon sighting in another country. Adopted by Ibn Taymiyaah.

3. If the Khalifah orders something then we go according to his order.

4. Whoever gets the news anywhere that a country has confirmed the sighting then everyone should go along with it as long as they get the news about it.

Lesson 6

Author says “*Ramadan is observed by the sighting of just one credible, sane, and over the age puberty person (even if it is a female)*”.

Once a person comes forth with these qualities then Ramadan begins. In the event that only one person within a group sees the moon while the rest have not there are different opinions.

1. This persons witness is accepted and it takes precedence over those who did not see it. [Majority Opinion].

2. His testimony is not taken. [Weaker Opinion]

According to the book, Hanbali Madhab, and Imam Ahmed is one person is needed to witness the sighting for Ramadan to start. Their proof is a hadith in Abu Dawud “*Ibn Umar said that the people went out to pursue the moon so I informed the messenger that I saw it so the messenger ordered everyone to fast*”. This is the correct opinion. The second opinion is that there needs to be two witnesses based on the hadith “*If two witnesses come forth then fast and break your fast to their sighting*”. This is refuted because the hadith does not make two witnesses necessary.

To declare the end of Ramadan there must be two witnesses. Tirmidhi says that here is no dispute regarding this.

Lesson 7

According to the author *“If one person testified the sighting at the beginning of Ramadan then we fast the 31st day of Ramadan”*.

This opinion ties the end of Ramadan to the sighting in the beginning (since there was only one witness that sighted the moon of Ramadan and the declaration to end Ramadan needs two witnesses). The more correct opinion adopted by Imam Ahmed, Shafi'i, and Abu Hanifa is that if Ramadan reaches thirty days and the moon is not witnessed then we continue to fast and the following day would be Eid.

If someone sees the moon for the beginning of Ramadan then he must fast even if he is alone. At the end of Ramadan, if he alone sees the moon then it is not sufficient to break his fast because Ramadan needs two witnesses at the end of it to declare Eid.

The author mentions that if a person sees the moon for the start of Ramadan alone (even if testimony is rejected) or if a person sees the moon at the end of Ramadan then he fasts in both scenarios.

Note: If someone is excused from fasting during the month of Ramadan then he should do it in secrecy. This is based on consensus from the scholars.

Scenarios:

- If two credible men see the moon at the end of Ramadan then they can break their fast based on each other's testimony, as well as anyone else that knows the credibility of these two men. Hadith *“If two witnesses testify then break your fast according to their sighting”*.
- Two people go to the imam or judge and inform him that they saw the moon. If their testimony is rejected by the judge based on their corruption then their testimony is invalid.
- If two people claim to have seen the moon but do not know the status of each other then they cannot use the testimony of each other. This is because they saw the moon individually.
- For those in a situation where they are unable to determine the status of Ramadan, they have to do “ijtihad” (personal reasoning) to the best of their ability.

Lessons 8 & 9

The author says “*fasting is obligatory on every **Muslim** that's **accountable**, over age of puberty and sane, and **able***”.

Muslim

In this sentence, the author is implying that the Kafir is exempted from the obligation of fasting but it is by consensus that the kuffar are not exempted from these obligations the same way they are not exempted from the principle of tawheed.

Note: It is by consensus that a kafir who converts to Islam does not have to make up any Ramadan missed. There is some dispute regarding an apostate who returns to Islam but a majority of the scholars say that it is the same ruling as the kafir who converted.

Accountability

- Sane
- Over the age of puberty

Hadith in Sunan Abu Dawud.

*“The pen has been lifted from three;
a) One who is insane until he returns to his senses.
b) The sleeper until he wakes up.
c) A minor until he/she reaches the age of puberty.”*

1. Over the age of Puberty:

Even though the minor is not held accountable for not fasting he/she can still be rewarded for fasting. Minors are also in two categories in Usool, those that can distinguish and those that can not distinguish. An opinion based on a hadith says that this difference comes after the age of 7. From the perspective of Fiqh, there is no reward for the minor that can not distinguish.

2. Sanity:

Anyone who is insane (temporarily or permanently) is exempted from fasting. If the person is temporarily insane then his exemption is only for the time that he is insane. One of two opinions of Imam Ahmed states that an insane person makes up his fast. This is refuted based on the Hadith above. Others said that Imam Ahmed meant that he was only referring to the one who is temporarily insane.

Able

Allah said “Keep your duty to Allah and fear him as much as you can”.

Hadith “*When I command you then do the best of your ability in capacity*”.

If one is not able to fast then it is not obligatory on him.

Lesson 10

The author says “*If the start of Ramadan is proven to an individual during the day then he must avoid anything that voids fast if he is among those fasting is obligated upon*”.

If by any chance once does not know it is Ramadan then finds out it is Ramadan (regardless of the time during the day) then he must start his fast for the remaining of the day. For example: If you find out it is Ramadan after dhur then you must abstain from anything that breaks your fast for the rest of the day. This is the majority and correct opinion among scholars. There are different opinions as to whether one should or should not make up the day missed. To not have to make up the day of Fasting is the stronger opinion. Salama ibn Akwa said the Messenger ﷺ ordered a man from the tribe of Bani Aslam to make an announcement, “Whoever has already eaten from fast this point on and whoever has not eaten should continue his fast. Today is the day of Ashura”.

Note: *This ruling is taking from this hadith because Ashura was obligatory and the replacement of Ramadan at the time.*

Author says “*And likewise a women on her menstrual cycle and a traveler who returned home after breaking his fast*”

Note: *This is mentioned separately by the author because there is much dispute among scholars regarding it. There is a trend in fiqh books where they mention issues that have a consensus or near consensus and then follow it by issues that are nearly disputed with the words “and like wise”.*

The author is implying that a women who becomes pure on a day fasting is obligatory then she must abstain from anything that voids fast; the same applies to a traveler who returns home.

Ayesha رضي الله عنها said “*We were commanded to not make up prayer but commanded to make up fasting*”.

There is no dispute that a woman or traveler have to make up those days but there are different opinions as to whether they have to abstain when the women becomes pure or when the traveler comes home.

Those opinions are:

1. The opinion of the author, Maliki Madhab, and Abu Hanifa is that a women on her menstrual cycle that becomes pure must fast the remainder of the day. The excuse for the woman or traveler not to fast is no longer there so they must fast the rest of the day.
2. One of two opinions by Imam Malik and Imam Ahmed as well as Shafii is that a women does not need to fast the remainder of the day. If they were permitted to eat from start of the day then they are permitted to eat towards the end. Since she has to make up the day regardless makes it useless to fast the remainder of the day.

Lesson 11

The author says *“Whoever breaks his fast due to old age or an incurable disease feeds a poor person for everyday missed”*.

There is no dispute regarding whether these people are able to break their fast or not. It is permissible for them to do so.

Allah says “Allah does not charge a soul except [with that within] its capacity” [2:286]

However there are different opinions as to whether the person who breaks their fast for the reasons mentioned should feed a poor person or not.

1. Opinion of Imam Ahmed and Shafii say they must feed a poor person for everyday they missed. Their proof is a statement by Ibn Abbas that has a narration in Bukhari Adta said he heard Ibn Abbas recite the verse “And upon thos ewho are able [to fast, but with hardship] a ransom [as substitute] of feeding a poor person [each day]”. Ibn Abbad said this verse is not abrogated but it is meant for an old man or woman who have no strength to fast that they should feed one poor person for each day instead of fasting. This is the stronger opinion.
2. Adopted by Malik and a second opinion of Shafii is that an older person or someone with an incurable disease may break their fast but does not have to compensate by feeding a poor person.

How much do you feed?

If you are giving wheat you give a “mut” which is one 4th of a Sah which is almost 2.4 kilograms. Other than wheat is half of a Sah. The Messenger ﷺ once asked someone who had to compensate (pay “fidia”) whether they had money to buy a sheep. The person replied that he did not so the Messenger ﷺ told him *“then fast three days or feed six persons each with half a sah of food”*. This is the proof for the quantity necessary for expiation.

Note: “Mut” is *two handfuls put together filled with food*.

Can someone volunteer and make a fast for someone who is still alive?

There are two opinions:

1. Ibn Taymiyah said you can make up the fast of another person who is alive because he compared it to paying someone’s debt. This is the weaker of the two opinions.
2. The overwhelming majority of scholars say that fasting is a physical worship where Islam did not allow delegation. Al-Nawawi said that it is by consensus that someone can not make up the fast for someone who is alive.

Note: You can not do a worship on behalf someone else unless there is proof. Delegation in worship is an exception that needs specific proof.

Lesson 12

The author considers it a Sunnah for someone to break their fast if fasting may harm them because of an illness they might have. [Being a Sunnah implies that he gets a reward for it]

From a Fiqhi perspective “illness” is of three types:

- If one fears that fasting will cause his illness to worsen or might spur recovery then it is Sunnah for him to break his fast.
- When fasting may cause someone to reach the level of danger such as extreme hardship or death. Not only is it Sunnah in this case to break your fast is but obligatory. Allah said “Do not kill yourself verily Allah is merciful with you”.
- The type of illness that does not affect the persons fast. The Majority of the Fuqaha say that an illness that exempts someone from fasting must be an illness that falls into the first two categories. This is the safer and close to the truth opinion. However some of the Salaf said that you can break your fast even if it minor pain in your finger. This is also the opinion of Bukhari.

Note: *Ibn Hazm adopted the opinion that if someone is ill under the first two categories then it is haram for him to fast and his fast is rejected. This is considered an extreme opinion.*

According to the author it is Sunnah for a traveler to break fast if he travels the distance that qualifies him to shorten his prayer. Even if there is no difficulty in the journey it is permissible to break fast.

Is it better to fast while traveling or break fast?

- If you are on a journey and fasting would cause severe hardship or death then it would be haram to continue fasting. The hadith of Amr Ibn Awas is when the Messenger ﷺ was traveling during the year of conquest and they were fasting they reached a town on the way, the Messenger ﷺ saw the Sahaba in difficulty so he asked for a cup of water and raised it for them to see that he is drinking it. Later on the Messenger ﷺ heard that there were some who continued to fast and he said “those are the disobedient ones, those are the disobedient ones”.
- Majority of Scholars said it is permissible to fast if you are traveling unless it causes extreme hardships. It is whatever is easier for the person. This is the correct opinion.
- It is better to fast while you are on a journey.

Note: *The opinion that it is haram to fast while traveling has been abandoned by the scholars. Because there is a hadith of a man who asked the Messenger if he should fast while traveling and the messenger ﷺ said “If you would like to fast then fast. And if you would like to break your fast then break your fast”.*